

E X H I B I T "B"

REGULATION OF THE PUBLIC SERVICE COMMISSION GOVERNING THE PROVISION OF TELECOMMUNICATIONS RELAY SERVICE ("TRS") TO THE STATE OF DELAWARE

- I. DEFINITIONS:** For this Regulation, the following definitions, adopted from Part 64 of the Rules and Regulations of the Federal Communications Commission ("FCC") (47 C.F.R. §64.601), apply:
- A. American Sign Language ("ASL"): A visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.
 - B. ASCII: An acronym for American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard transmission baud rate, including 300, 1200, 2400, and higher.
 - C. Baudot: A seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.
 - D. Common Carrier: Any Common Carrier engaged in interstate or intrastate communications by wire or radio as defined in Section 3(h) of the Communications Act of 1934, as amended, not withstanding Sections 2(b) and 221(b) of the Act.
 - E. Communications Assistant ("CA"): A person who transliterates conversation from text to voice and from voice to text between two end users of TRS.
 - F. Hearing Carry Over ("HCO"): A reduced form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation.
 - G. Telecommunications Relay Services ("TRS"): Telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by

wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communications between an individual who uses a text telephone or other non-voice terminal device, and an individual who does not use such a device. TRS supersedes the terms "dual party relay system," "message relay services," and "TDD Relay."

- H. Text Telephone ("TT"): A machine that employs graphic communications in the transmission of coded signals through a wire or radio communications system. TT supersedes the term "TDD" or "telecommunications device for the deaf."
- I. Voice Carry Over ("VCO"): A reduced form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation.

II. SERVICE OBLIGATION: In furtherance of 26 Del. C. §220, every public utility providing local exchange telephone service is authorized and required to provide a statewide TRS that will allow persons with hearing and/or speech disabilities, who use a TT or other equipment, to communicate by telephone through a CA or equipment at a TRS facility with persons having normal hearing and speech. A public utility providing such service may enter into contractual arrangements with one or more persons or entities requiring such other persons or entities to perform all, or any part of the service, and the costs incurred by the public utility in connection with the provision of such service shall not exceed those reasonably necessary to provide adequate service.

III.

SERVICE DESCRIPTION:

1. The TRS must be capable of accepting TT communications, using either ASCII or Baudot code on a real-time basis, at any speed generally in use.
2. The TRS service center shall be accessible via a toll-free telephone number. TT or other non-voice terminal users shall type their call request, which will be received on a terminal by a specially trained communications assistant in the relay center. These communications assistants will then place a call to the intended customer with whom the TT or computer user wishes to communicate. The process shall work in reverse when a customer without a disability wishes to communicate with a customer who has a hearing or speech disability.
3. The relay center shall have a VCO capability to allow the customer with a hearing disability to speak directly to another customer who can hear. The relay center shall also have HCO capacity so the customer with a speech disability possessing hearing abilities can listen directly to the speaking customer. The communications assistant will type only the spoken response to an individual with a hearing disability, or speak the written response of the individual with the speech disability.

IV.

CALLS TO BE PROCESSED BY TRS:

1. Unless otherwise specifically exempted by the FCC, the TRS must be capable of handling any type of call normally provided by the local exchange carrier, including: non-coin sent paid; third number; intrastate 800; emergency calls (such as "911"); calling card; and collect calls.
 - A. The TRS shall be required to handle coin sent paid or audiotext calls if and when required: (1) by final decision of the FCC; or (2) by final judgment on appeal regarding pending Petitions for Reconsideration or Limited Reconsideration in FCC Docket No. 90-571.
2. The TRS shall be designed to accept and process both intrastate and interstate calls as follows:
 - A. The TRS shall be designed to accept calls, both originating and terminating within the State of Delaware (intrastate).
 - B. The TRS shall be designed to accept calls

which originate and are billed in Delaware, and terminate elsewhere (interstate).

1. The TRS users shall have access to their pre-subscribed interexchange carrier, and to all other operator services, to the same extent that such access is provided to individuals without speech or hearing disabilities.

- C. The TRS shall be designed to accept calls placed across a state line which, if the TRS were not used, would be considered local calls. These calls, if originated outside Delaware and terminating within Delaware, will be completed and treated in the same manner.

V.

USER CHARGES:

1. Calls placed through the relay system shall be billed to the user of the TRS at the same rate that would apply if the calls had been placed without the use of the relay service.
2. Relay calls in which the called and calling parties reside in the same local exchange shall be charged at the local exchange carrier's applicable tariff rate. Calls that would normally result in intraLATA or interLATA toll rates should be billed to the designated party at an effective rate no higher than the tariffed rates of the local exchange carrier, or interexchange carrier, who handles the call, less any applicable discounts for individuals with certified hearing or speech disabilities.
3. The TRS system provider is responsible for obtaining the proper call information for billing purposes and creating billing records for each relay-assisted call. This information shall include: the calling number, the date of the call, the time and duration of the call, and any special billing information. This information for intrastate point to point calls shall be delivered to the local exchange carrier, or to the interexchange carrier, or its billing agency within fourteen days of the date such service was supplied.

VI.

MINIMUM SERVICE STANDARDS:

1. TRS shall be provided twenty-four hours per day,

- seven days per week.
2. There shall be no restrictions on the length or number of calls placed by customers through the relay center, and the TRS shall be capable of handling any type of call normally provided by a common carrier, except to the extent that the handling of any type of call has been determined to be infeasible by the FCC. The TRS shall not be required to provide any service that is under appeal to the FCC until final disposition thereof.
 3. The TRS shall, except during network failure, answer 85% of all calls within 10 seconds, and no more than 30 seconds shall elapse between receipt of dialing information and the dialing of the requested number.
 4. The TRS shall be initially designed to reasonably handle anticipated intrastate and interstate relay calls with the capabilities to expand the service as, and to, the extent necessary.
 - A. The TRS must be capable of accepting TT communications using either ASCII or Baudot code.
 - B. The TRS shall include a redundancy of the processor controlling the switching equipment, a battery power backup, and stand-alone electrical generation, which is functionally equivalent to normal central office auxiliary sources of power to ensure equipment reliability and service integrity.
 - C. Any service outage, under the control of the system provider, exceeding four hours in length within a single twenty-four hour period, shall subject the TRS system provider to a penalty equivalent to not less than the preceding one day's (twenty-four hours) billing for the service for each such outage.

VII.

COMMUNICATIONS ASSISTANT STANDARDS:

- A. In order to provide an adequate TRS, the CA shall possess competent typing, grammar, spelling, customer service skills, and sensitivity regarding the special needs of individuals with hearing and speech disabilities.
 1. A CA shall possess minimum typing skills of thirty-five words-per-minute with preferred typing skills of sixty words-per-minute.

2. CA training shall include an orientation to hearing and speech disability cultures, American Sign Language ("ASL"), ASL to standard English translation, and TT etiquette.
3. Each CA shall also be required to maintain the confidentiality of each relayed conversation, and must strictly maintain the secrecy of communications. They shall not be liable for criminal prosecution, or subject to a civil action arising from the relay of any conversation in accordance with the provisions of 26 Del. C. §222.
4. No CA shall make value judgments regarding the message content, or concerning its legality or obscenity.
5. No CA shall counsel, advise, or interject personal opinions, advice, or additional information into any conversation which they are translating, and shall not otherwise intentionally alter a relayed conversation. Conversations must be relayed verbatim unless the relay user specifically requests summarization.
6. Any CA who cannot meet and maintain such standards shall be subject to removal from the position, and/or disciplinary action up to, and including, termination of employment.

VIII.RELAY OFFICE ADMINISTRATION:

- A. The TRS system provider shall develop and maintain a process so that TRS users can easily alert the relay center staff to any service problems in order that they may be promptly addressed.
- B. The TRS system provider shall develop and maintain a process so that TRS users may have access to a supervisor of the center while still on line with the CA.
- C. No written or electronic script of any call may be made or maintained by the relay center or the CA.
- D. The TRS system provider must maintain documentation detailing methods and procedures, training guidelines, and confidential requirements to enforce the CA standards.
- E. The availability of TRS must be communicated to Delaware residents through periodic bill inserts,

information in the telephone directory published or distributed by all regulated local exchange telephone service providers, and all directory assistance services.

- F. A TRS system provider, and any public utility providing local exchange telephone service, will fully cooperate with the Dual Party Advisory Committee created by 26 Del. C. §221.

IX.

REPORTING REQUIREMENTS:

- A. The TRS provider shall be responsible for maintaining all records and reports relating to the operation of the TRS center. Such reports shall include, but are not limited to:
1. Traffic studies detailing call answer (the percentage of calls answered within 10 seconds when calling the relay center).
 2. Traffic studies detailing number of calls in the queue, and the length of time calls are in the queue.
 3. Traffic studies detailing percentage of relay calls originated by TT and computer users versus customers with hearing and speech disabilities.
 4. Traffic studies detailing average speed of answer.
 5. Accounting and financial records detailing the costs incurred in operating the relay center in support of charges billed to the local exchange carrier.
- B. The records and reports maintained by the TRS provider, relating to the operation of the TRS center, shall be subject to audit by any local exchange telecommunications provider certificated by the Commission, and by the Commission. Local exchange providers and the Commission shall give the TRS provider at least forty-eight (48) hours advance notice of such audit. The TRS provider may be required to furnish periodic reports regarding the operation of the TRS to the local exchange telecommunications provider and to the Commission. Such reports shall be filed at least annually.

X.

PROVISION OF FACILITIES:

- A. The following items shall be provided by the TRS provider:

1. Relay center building, real estate, furniture, office equipment, telecommunications, and other facilities and equipment necessary to provide TRS.
 2. All telecommunications trunks, cables, or lines required to be connected to the relay center in order to receive or to initiate telecommunications for purposes of providing TRS.
 3. All personnel necessary to adequately staff and operate the TRS center, and all training of such personnel.
 4. Sufficient records of the TRS operation so as to permit review and evaluation of TRS results.
 5. Billing records for each relay assisted call, including the telephone number or credit card number to be billed, terminating telephone number, date, start time for the call, and ending time for the call.
- B. The TRS provider shall possess and demonstrate the capability to adapt the system to incorporate improvements in communications equipment and technology and to implement leading edge technology for the revisions of TRS.
- C. The TRS provider shall meet equipment and staffing requirements necessary to meet the TRS service standards, and adequately and efficiently handle the projected types of calls and projected call volumes.
- D. The TRS provider shall maintain flexibility in order to adjust to the unique needs of the relay center. The system design should illustrate the following:
1. Most effective network configuration.
 2. Most effective work group size based on call volumes, calling patterns, and labor and supervision costs.
 3. Most cost effective equipment configuration.
 4. Adequate facilities and training for the prompt and proper handling of emergency type calls, such as "911", police, fire, medical emergency, crisis intervention, etc.

XI. FEDERAL REQUIREMENTS:

- A. Any TRS serving the State of Delaware must fully

comply with all requirements of Title IV of the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327, 366-69), and all regulations adopted thereunder by the FCC, unless specific exemption therefrom is granted by the FCC.

B. Any formal written Complaint concerning the operations of intrastate TRS which is filed with the Commission in conformity with the Commission's Rules of Practice and Procedure shall, to the maximum extent possible, be processed so as to result in the issuance of a final Commission Order thereon within 180 days of the filing of such Complaint.

XII. REPEALER: This regulation, upon its effective date,

XII. REPEALER: This regulation, upon its effective date, repeals and replaces the regulation adopted by PSC Order No. 3132, dated February 13, 1990.

XIII. EFFECTIVE DATE: This regulation is effective on October 30, 1992.